

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RANDY A. EASTVOLD,

Plaintiff,

v.

ORDER

Civil File No. 03-3054 (MJD/RLE)

MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,

Defendant.

Lionel H. Peabody, Peabody Law Office, Counsel for Plaintiff.

Lonnie F. Bryan, United States Attorney's Office, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of Chief United States Magistrate Raymond L. Erickson dated February 12, 2010. [Docket No. 31] Plaintiff Randy A. Eastvold filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court **ADOPTS** the Report and Recommendation of Chief United States

Magistrate Judge Raymond L. Erickson dated February 12, 2010, with the

following minor modifications:

- On page 4 of the Report and Recommendation (“R&R”), on the sixth line of the first paragraph, the Court replaces “2091” with “2092;” and on the first line of the second paragraph, the Court replaces “September 11” with “November 24.”
- On page 13 of the R&R, on the second line of the first paragraph, the Court replaces “888” with “889;” and on the seventh line of the second paragraph, the Court replaces “1920” with “1919.”
- On page 23 of the R&R, on the seventh and eighth lines of the second paragraph, the Court replaces “406, 1249” with “407, 1250.”
- On page 29 of the R&R, on the last line of the second paragraph, the Court replaces “15” with “16.”
- On page 32 of the R&R, on the fourth line of the second paragraph, the Court replaces “19” with “10;” and on the third line of the third paragraph, the Court replaces “9” with “19.”
- On page 45 of the R&R, on the fourth line of the first paragraph, the Court replaces “625” with “626;” and on the eighth line of the second paragraph, the Court replaces “743” with “773.”
- On page 52 of the R&R, on the second line of the first paragraph, the Court replaces “27” with “17.”
- On page 54 of the R&R, on the last line of the second paragraph, after the period, the Court inserts the following citation: “[T. 1710-11].”

- On page 62 of the R&R, on the last line of the second paragraph, the Court replaces “routing” with “setting.”
- On page 71 of the R&R, on the second line of the first paragraph, the Court replaces “21” with “29.”
- On page 73 of the R&R, on the third line of the second paragraph, the Court replaces “55” with “54.”
- On page 75 of the R&R, on the last line of the third paragraph, the Court replaces “2039” with “2034.”
- On page 78 of the R&R, on seventh lines of the first paragraph, the Court replaces “2061” with “2051.”
- On page 79 of the R&R, on the third line of the second paragraph, the Court replaces “145” with “152.”
- On page 96 of the R&R, on the sixth line of the second paragraph, the Court replaces “33” with “34.”
- On page 107 of the R&R, on the fifth and sixth lines of the first paragraph, the Court deletes the phrase “Vandenboom v. Barnhart, 412 F.3d 924, 927 (8th Cir. 2005), quoting” but leaves the remaining portion of that citation.
- On page 110 of the R&R, on the fifth line of the second paragraph, the Court deletes the phrase “* * * but that” and replaces the phrase with “. However.”
- On page 111 of the R&R, on the first and second lines, the Court deletes the phrase “and 10% disabled for his knee problems, 40% for his back, and 30% for his adjustment disorder and PTSD.”
- On page 117 of the R&R, on the seventh line of the second paragraph, the Court replaces the number “695” with “693.”

- On page 123 of the R&R, on the fifth line of the first paragraph, the Court deletes the phrase “– from 35 to 70 over a three-day period.”
- On page 129 of the R&R, on the second line of the first paragraph, the Court replaces the phrase “due to * * * general physical well-being” with an ellipsis.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED that:

1. The Court **ADOPTS**, with the modifications set forth above, the Chief Magistrate Judge’s Report and Recommendation dated February 12, 2010 [Docket No. 31].
2. Plaintiff’s Motion for Summary Judgment [Docket No. 19] is **DENIED**.
3. Defendant’s Motion for Summary Judgment [Docket No. 26] is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 29, 2010

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court